

Message Text

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APPROVED BY L/HR:CRUNYON

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ARA:WGBOWDLER

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FM SECSTATE WASHDC

TO AMEMBASSY GUATEMALA PRIORITY

C O N F I D E N T I A L STATE 055938

E.O. 11652: GDS

TAGS: CRPS, PINT, GT

SUBJECT: PENDING EXPULSION THREE AMERICAN PRIESTS

REFERENCES: A) GUATEMALA 1508; B) PEZZULLO/MELOY TELECON;

C) CLARE/DREYFUSS TELECON

1. DEPARTMENT UNDERSTANDS THAT EMBASSY HAS BEEN CONSULTING WITH MARYKNOLL ORDER AND LOCAL DIPLOMATIC CORPS REGARDING PENDING EXPULSION OF FOREIGN PRIESTS, INCLUDING THREE AMERICANS. FOLLOWING SETS FORTH ESTABLISHED USG POLICY IN CASES OF THIS TYPE. IT HAS BEEN APPLIED ON NUMEROUS OCCASIONS IN THE AFRICAN AREA.

2. IN VIEW OF USG, RECEPTION OF NATIONAL OF ONE STATE BY ANOTHER IS NORMAL PRACTICE IN MODERN WORLD AND SUPPORTS USEFUL TRANSNATIONAL RELATIONS. THUS, WHILE NOT QUESTIONING A HOST STATE'S RECOGNIZED LEGAL RIGHTS TO EXERCISE CONTROL OVER STAY, AND DEPARTURE OF FOREIGN NATIONALS, THE US HOLDS TO THE VIEW THAT UNDER INTERNATIONAL LAW A FOREIGN NATIONAL SHOULD NOT BE SUBJECTED TO ARBITRARY OR DISCRIMINATORY ACTION. IN DEPORTATION PROCEEDINGS, FOR EXAMPLE, PROPER
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PRACTICE REQUIRES ADEQUATE NOTICE OF GROUNDS AND A REASON-

ABLE OPPORTUNITY TO RESPOND TO ALLEGATIONS UNDERLYING
PROPOSED DEPORTATION.

3. SUCH A REQUIREMENT ASSUMES ADDED IMPORTANCE IN VIEW OF
THE MUTUAL OBLIGATIONS OF GOG AND USG AS UN MEMBER STATES

TO PROMOTE HUMAN RIGHTS, INCLUDING FREEDOMS OF THOUGHT,
CONSCIENCE AND RELIGION, OF OPINION AND EXPRESSION AND
OF PEACEFUL ASSEMBLY AND ASSOCIATION.

4. YOUR CONSULTATIONS WITH MARYKNOLL ORDER AND DIPLO-
MATIC CORPS MAY HAVE ALREADY BROUGHT ABOUT A SATISFACTORY
SOLUTION TO THE DEPORTATION PROBLEM. IF NOT REQUEST YOU
ASCERTAIN WHETHER THE AMERICANS HAVE HAD AN OPPORTUNITY
TO ANSWER CHARGES AGAINST THEM BEFORE COMPETENT LOCAL
AUTHORITIES. SHOULD THEY ENCOUNTER DIFFICULTY IN
OBTAINING SUCH A HEARING, REQUEST YOU CONVEY TO RESPONSI-
BLE GOG OFFICIALS OUR OWN PRACTICE IN AFFORDING DE-
PORTATION HEARINGS, WHICH CONFORMS WITH GENERAL INTER-
NATIONAL LAW AND PRACTICE, AND WHICH WE BELIEVE GOC WILL
ALSO WISH TO EXTEND TO AMERICANS IN QUESTION.

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